

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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MICHAEL JOHN BUI,

Civil No. 15-2001 (JRT/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

U.S. ATTORNEY'S OFFICE,

Defendant.

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Michael John Bui, 8332 Blaisdell Avenue South, Bloomington, MN 55420,  
*pro se.*

Bahram Samie, Assistant United States Attorney, **UNITED STATES  
ATTORNEY'S OFFICE**, 600 United States Courthouse, 300 South 4<sup>th</sup>  
Street, Minneapolis, MN 55415, for defendant.

On October 9, 2015, United States Magistrate Judge Franklin L. Noel issued a Report and Recommendation ("R&R") recommending that Defendant's motion to dismiss be granted and that this action be dismissed with prejudice. The Magistrate Judge found that the Court lacked subject matter jurisdiction over Plaintiff Michael John Bui's claim and, alternatively, that Bui failed to allege facts sufficient to state a claim for relief. Bui objects to the R&R, but has not raised any specific objections to the Magistrate Judge's proposed findings or recommendation. Instead, Bui merely restates the allegations in his complaint, makes a vague reference to an incident occurring at the Mall of America, and asserts that Defendant "knew a lot about [him]."

Objections to an R&R that are not specific but merely repeat arguments presented to and considered by a magistrate judge are not entitled to *de novo* review, but rather are reviewed for clear error. *See, e.g., Martinez v. Astrue*, No. 10-5863, 2011 WL 4974445, at \*3 (E.D. Pa. Oct. 19, 2011) (citing cases from numerous other jurisdictions); Fed. R. Civ. P. 72 advisory committee's note, subd. (b) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). Applying this standard, the Court finds that the R&R is not clearly erroneous. The Magistrate Judge's recommendation is fully supported by both the record and applicable legal principles. Accordingly, the Court will overrule Bui's objection, adopt the R&R, grant Defendant's motion to dismiss, and dismiss this action with prejudice.

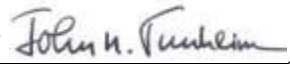
### **ORDER**

Based on foregoing, and all of the files, records, and proceedings herein, the Court **OVERRULES** Plaintiff's objection [Docket No. 12] and **ADOPTS** the Report and Recommendation of the Magistrate Judge [Docket No. 11]. Accordingly, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion to Dismiss [Docket No. 4] is **GRANTED**.
2. This action is **DISMISSED with prejudice**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

DATED: November 5, 2015  
at Minneapolis, Minnesota.

s/   
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JOHN R. TUNHEIM  
Chief Judge  
United States District Court